

MAR 14 2006

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.
KRISTI L. DAVIDSON
KATHRYN E. SMITH
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, Ph.D.
RANDALL S. JACKSON, JR.
CARL J. BRAUCH

OF COUNSEL
JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
DONALD F. FREI
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

March 14, 2006

FACSIMILE COVER SHEET

To: Examiner Namitha Pillai
Art Unit 2173
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/659,258
Filed: September 11, 2000
Applicant: Gregory Richard Hintermeister et al.
Art Unit: 2173
Confirmation No.: 5587
Our Ref: IBM/155

Fax: 571-273-8300

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of Facsimile
Transmission (2 pages)
Response (6 pages)

Pages: 9 (including cover sheet)

**MESSAGE/COMMENTS
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (9 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Namitha Pillai, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 571-273-8300 on March 14, 2006.

Judith L. Volk
Judith L. Volk

March 14, 2006
Date

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MAR 14 2006

PATENT

Att'y Docket No. IBM/155/124

Confirmation No. 5587**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (9 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Namitha Pillai, Mail Stop AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on March 14, 2006.

Judith L. Volk
Judith L. Volk

March 14, 2006
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gregory Richard Hintermeister et al. Art Unit: 2173
Application No.: 09/659,258 Examiner: Namitha Pillai
Filed : September 11, 2000
For : PICTORIAL-BASED USER INTERFACE MANAGEMENT OF
COMPUTER HARDWARE COMPONENTS

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is a Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	43	minus	43	0	\$50	\$0.00
Independent Claims	4	minus	4	0	\$200	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$360	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

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Application No. 09/659,258
Transmittal for Response of March 14, 2006
IBM Docket: ROC920000132US1
WH&E IBM/155
K:\Hera155\Responses\Transmittal re 12-14-05 OA.wpd

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 120.00	\$ 60.00
<input type="checkbox"/>	two months	\$ 450.00	\$ 225.00
<input type="checkbox"/>	three months	\$1,020.00	\$ 510.00
<input type="checkbox"/>	four months	\$1,590.00	\$ 795.00
<input type="checkbox"/>	five months	\$2,160.00	\$1,080.00

Extension fee due with this request:

\$ _____

Method of Payment:

Check enclosed in the amount of \$ _____

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.

OR

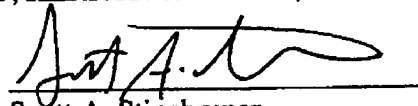
- ☒ (b) **Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.**

6. ☒ **If any additional fee for claims or extension of time is required, charge Account No. 23-3000.**

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:


 Scott A. Stinebruner
 Reg. No. 38,323

2700 Carew Tower
 441 Vine Street
 Cincinnati, Ohio 45202-2917
 Telephone: (513) 241-2324
 Facsimile: (513) 241-6234

Enclosed:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)
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MAR 14 2006

PATENT

IBM/155
Confirmation No. 5587

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Gregory Richard Hintermeister et al.	Art Unit: 2173
Application No.:	09/659,258	Examiner: Namitha Pillai
Filed:	September 11, 2000	Atty. Docket No.: IBM/155
For:	PICTORIAL-BASED USER INTERFACE MANAGEMENT OF COMPUTER HARDWARE COMPONENTS	

RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This paper is submitted in reply to the Office Action dated December 14, 2005, within the three-month period for response. Reconsideration and allowance of all pending claims are respectfully requested.

In the subject Office Action, claims 1, 4-23 and 26-43 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,535,227 to Fox et al. In addition, claims 2-3 and 24-25 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Fox et al. in view of European Patent Application Publication No. 0687977 A2 to Davis et al.

Applicants respectfully traverse the Examiner's rejections to the extent that they are maintained.

Now turning to the subject office action, and in particular, to the rejection of independent claim 1, this claim generally recites a method of managing computer hardware components. The method includes displaying a pictorial representation on a computer display, where the pictorial representation is associated with a plurality of hardware components and represents a physical configuration of each of the plurality of hardware components, and indicating a selected status for multiple hardware components

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Application No. 09/659,258
Response dated March 14, 2006
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from the plurality of hardware components within the pictorial representation associated with the plurality of hardware components in response to user input.

In rejecting claim 1, the Examiner relies on Fox et al. for allegedly disclosing each and every limitation of claim 1. However, as with the other references previously cited against claim 1, Fox et al. does not disclose a "pictorial representation" that is "associated with a plurality of hardware components and represents a physical configuration at each of the plurality of hardware components". As Applicants have repeatedly asserted in Applicants' two prior responses, as well as in the two prior Appeal Briefs submitted in connection with this case, a "pictorial representation" is a pictorial display that represents the actual physical configuration of hardware components in one or more computers in a computer system. As a part of showing an actual physical configuration, a pictorial representation necessarily represents the relative placement and location of the hardware components. As further evidence of this construction of the term "pictorial representation", Applicants explicitly define the concept at page 10, lines 5-15 of the Application as filed:

An image may provide a pictorial representation in a number of manners, including two or three dimensional representations, as well as a variety of image types that pictorially represent the actual physical configuration of hardware components within the associated system. Images may be photographic in nature, or may be diagrammatic, e.g., lined and/or shaded drawings representative of the physical configuration of a computer. Moreover, diagrams may be in color, gray scale or black and white. Any other image type that accurately depicts the relative placement and location of hardware components within a computer may be used in the alternative. Images may represent external views of a system and/or may represent internal views within a system. Images may also be comprised of multiple layers that are selectively shown or hidden based upon the types of hardware components of interest. (emphasis added)

As with a number of references previously cited against claim 1 by the Examiner, Fox et al. discloses at the most, a block diagram of a plurality of hardware components, with each component represented as a block or icon, and with interconnections between components being represented by lines extending between the blocks. The physical look, as well as the relative physical placement, of individual components in the block diagram, however, is not represented.

Indeed, the passage cited by the Examiner, at column 3, lines 23-26, recites a system design window that "displays network icons of a network map that are representative of different network elements contained within a network". In addition, from a review of a number of these diagrams, e.g., as shown in Figs. 1-2, 7, 9 and 10, it is apparent that all of these diagrams represent network elements as icons or blocks, without showing any actual physical configuration. In each of these figures, it would be impossible to determine the physical location and relative placement of the various components shown in such diagrams, and as such, the diagrams are incapable of representing "a physical configuration of each of the plurality of hardware components" as required by claim 1.

In addition, Fox et al. does not disclose "in response to user input, indicating a selected status from multiple components...within the pictorial representation". The Examiner argues that Fox et al. discloses this feature at column 3, lines 29-32. However, this passage merely recites that portions of a network map "turn a different color indicative of a vulnerability that has been established for that portion of a network". There is nothing in that passage that discloses any form of "selected status" for a hardware component, much less a selected status that has been indicated specifically "in response to user input" as also required by claim 1.

Accordingly, Applicants respectfully submit that Fox et al. fails to disclose the indication of a selected status of multiple hardware components on a pictorial representation in response to user input, as is recited in claim 1. Claim 1 is therefore novel over Fox et al.

Furthermore, claim 1 is non-obvious over Fox et al. as there is no suggestion in the reference, or elsewhere in the prior art, of the desirability of providing the ability for a user to select multiple hardware components and have the selected status of such components displayed on a pictorial representation. Reconsideration and allowance of independent claim 1, as well as of claims 2-22 which depend therefrom, are therefore respectfully requested.

Next, with respect to independent claims 23 and 40, each of these claims, similar to claim 1, recites the indication, in response to user input, of a selected status for multiple hardware components in a pictorial representation. Claims 23 and 40 are therefore novel and non-obvious over Fox et al. for the same reasons as presented for claim 1. Reconsideration and allowance of these claims, as well as of claims 24-39 and 41 which depend respectively therefrom, are therefore respectfully requested.

Next, with respect to independent claim 42, this claim recites, *inter alia*, the concept of performing at least one management operation on multiple selected hardware components in response to user input directed to a portion of a pictorial representation that represents the physical configuration of one of the multiple selected hardware components.

In rejecting claim 42, the Examiner again relies on Fox et al., citing column 3, lines 23-26 and 29-32. As discussed above in connection with claim 1, however, Fox et al. does not disclose the use of a pictorial representation or the selection of multiple hardware components depicted in such a representation. As such, Applicants respectfully submit that Fox et al. similarly does not disclose performing at least one management operation on multiple selected hardware components in response to user input directed to a portion of a pictorial representation. Furthermore, upon a review of the cited passage in Fox et al., Applicants can find no reference to a management operation whatsoever, much less an operation initiated in response to user input directed to a pictorial representation. Accordingly, Applicants respectfully submit the Examiner has failed to establish a clear case of anticipation of claim 42 by Fox et al. Applicants also respectfully submit that

claim 42 is novel and non-obvious over Fox et al., and reconsideration and allowance of the claim, as well as of claim 43 which depends therefrom, are respectfully requested.

Applicants also traverse the Examiner's rejections of the various dependent claims based upon their dependency upon the aforementioned independent claims. However, a number of these dependent claims recite additional features not disclosed or suggested by the prior art of record. For example, claims 4 and 27 (reciting the use of a filter criterion), claims 7 and 29 (which disclose multiple filter criteria associated with different views), claims 11 and 31 (which recite visually highlighting selected components) and claims 13 and 33 (which recite performing a management operation on multiple hardware components) recite features that are neither disclosed nor suggested by Fox et al. and the other prior art of record. Reconsideration and allowance of these claims are therefore requested for these additional reasons.

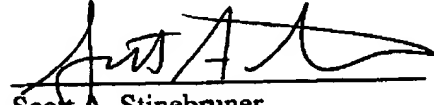
As a final matter, Applicants note that this is now the third rejection of the claims, and follows two instances where prosecution has been re-opened following the filing of an Appeal Brief. Applicants respectfully submit that, given the claims are demonstrably novel and non-obvious over Fox et al. for the reasons discussed above, and given the admonition in the MPEP against piecemeal examination, the Examiner has been given more than an ample opportunity to fully search the art. Consequently, Applicants hope that no new rejections will be forthcoming, and that the Application will be passed to allowance in due course.

In summary, Applicants respectfully submit that all pending claims are novel and non-obvious over the prior art of record. Reconsideration and allowance of all pending claims are therefore respectfully requested. If the Examiner has any questions regarding the foregoing, or which might otherwise further this case onto allowance, the Examiner may contact the undersigned at (513) 241-2324. Moreover, if any other charges or credits

are necessary to complete this communication, please apply them to Deposit Account 23-3000.

14 MARCH 2006
Date

Respectfully submitted,



Scott A. Stinebruner

Reg. No. 38,323

WOOD, HERRON & EVANS, L.L.P.

2700 Carew Tower

441 Vine Street

Cincinnati, Ohio 45202

Telephone: (513) 241-2324

Facsimile: (513) 241-6234